

REMARKS

This amendment is being filed in response to the Office Action dated January 15, 2004. In that Action, the Examiner objected to the specification regarding the serial number of the cross-referenced application. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Jaros. Claims 3-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jaros. Claim 2 was not explicitly rejected but was discussed with the rejection of Claim 1.

With respect to the objection to the specification, Applicant has amended the cross-reference section to recite the serial number and filing date of the cross-referenced case.

With respect to the §102(b) rejections, Applicant would respectfully submit that Jaros does not anticipate the present invention because that reference fails to teach a credit card application automation system wherein a user can effectively obtain multiple credit cards while having only a single physical card, using a portable credit card access device which is separate from the local computer and host server that are used to apply for and create credit card accounts. Jaros is discussed in the Background section of Applicant's specification. With the system of Jaros, an individual applies for the credit card at a remote dispensing module, i.e., vending machine, and a real-time decision platform is used to decide whether to approve or decline the application. A security deposit may be required and is accepted at the vending machine. Once approved, the vending machine immediately dispenses the credit card with the appropriate information thereon.

Applicant's invention, in contrast, has nothing to do with vending-machine style dispensing, but instead allows a user to apply with a variety of different credit card companies, for example over the Internet, without the need for a special communications infrastructure as required by the remote dispensers of Jaros. Furthermore, with Applicant's invention a portable credit card access device can be used to create a credit card at any location, not just the fixed location of the vending machine. Once applications are approved, credit card account information is passed from the host server to the user's local computer, and then downloaded into the portable credit card access device. The portable credit card access device retains information on multiple bank card accounts, so that a single physical card can be alternately used for different card accounts by re-encoding the different account information on that same card.

It is not clear at all from the disclosure of Jaros or from the Office Action, how Jaros could ostensibly allow the vending machine to maintain information for different card accounts, one of which would be selectively encoded on a card. Jaros mentions only that a card would be issued for a given credit application, and never describes a use of the system for more than one credit card per user. Accordingly, one skilled in the art would not understand it to refer to Applicant's inventive subject matter. Even if Jaros were modified to handle multiple credit card accounts, the vending machines would still dispense one card for each account, rather than temporarily using a single card for a particular card account. The system of Jaros also cannot incorporate existing credit card accounts, i.e., it is geared only for the creation of credit cards for newly applied-for accounts. Moreover, insofar as Jaros teaches embossing the information onto the credit card (a permanently fixed manner of recording the information), it teaches away from the present invention which allows re-use of the same physical card for multiple accounts by erasing the old information and re-encoding the new information. Since Jaros does not teach the use of a portable access device to create a renewable credit card for different card accounts, it accordingly cannot anticipate the present invention.

The above arguments apply equally to the §103(a) rejection of Claims 3-21 (and any rejection of Claim 2), inasmuch as those rejections are based primarily on Jaros. Regarding Claim 4, the Office Action recognizes that the system of Jaros does not retain information on multiple card accounts and suggests it would be obvious for record keeping purposes, but the present invention does not retain information on multiple accounts for such purposes. Regarding Claim 5, it is clear that the embossing machine of Jaros is nothing like Applicant's portable credit card access device. The embossing machine (reference numeral 138) is indeed a part of the remote dispenser (reference numeral 110) as shown in figure 8 of Jaros, and is not a separate unit. It is not detachable from the remote dispenser, and has no operation independent of the remote dispenser. It also does not store any information, it simply embosses the card with the data that is stored elsewhere in the system. Regarding Claim 7, the remote dispenser may control the embossing machine, but it does not program it, i.e., alter instructions or data that is internal to the embossing machine. The embossing machine has no memory or program instruction storage to allow such programming. Accordingly, one skilled in the art would not be motivated to modify Jaros in the manners suggested in the Office Action.

Notwithstanding the foregoing, Applicant has amended Claim 1 to recite the downloading of the card account information to the portable credit card access device, and to emphasize that the system is used for multiple bank card accounts, i.e., bank card account information for at least two bank card accounts is downloaded from the local computer(s) to the single credit card access device. The credit card access device was already included in the original language of the other independent claims (8 and 15), but those claims have also been amended to indicate that the device is portable, i.e., separate from the host computer, and that account information for multiple accounts is downloaded into the device. These amendments serve to further distinguish Applicant's invention from the cited references. Applicant's specification discusses downloading the multiple card account information into the credit card access device (p. 10, lines 18-19, and p. 13, lines 3-6), and repeatedly refers to the credit card access device as being portable (e.g., p. 8, line 5), so no new matter has been added. Claim 5 has accordingly been deleted, and the dependencies of Claims 6-7 have been amended for consistency. For all of the foregoing reasons, Applicants respectfully request reconsideration of the §102(b) and §103(a) rejections.

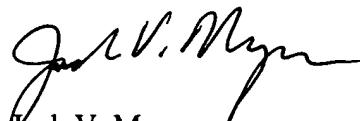
Applicant has made a diligent effort to advance the prosecution of this application by amending the specification and claims, deleting a claim, and pointing out with specificity how the claims as presented patentably define the invention over the prior art of record. In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Non-Fee Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on April 15, 2004.


Attorney for Applicant(s)

Apr 15, 2004
Date of Signature

Respectfully submitted,


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